

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Matthew Jerry Richey,)	Case No. 6:24-cv-00176-JDA
)	
)	
Plaintiff,)	
)	<u>OPINION AND ORDER</u>
v.)	
)	
Sheriff Chad McBride; Captain David)	
Baker; Lieutenant Nathan Mitchell;)	
Lieutenant Jane Glover; Lieutenant)	
Vickery; Anderson County Detention)	
Center,)	
)	
Defendants.)	

This matter is before the Court on a pro se Complaint filed Plaintiff Matthew Jerry Richey. [Doc. 1.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings.

Plaintiff's Complaint was entered on the docket on January 11, 2024 [Doc. 1], and on March 19, 2024, the Magistrate Judge issued an Order informing Plaintiff that his Complaint was subject to summary dismissal as drafted and providing him with time to file an amended complaint to correct the deficiencies noted in the Order [Doc. 19]. Plaintiff was informed that if he failed to file an amended complaint or cure the deficiencies outlined in the Order, the Magistrate Judge would recommend that his claims be dismissed with prejudice. [*Id.* at 14–15.] Plaintiff did not file an amended complaint within the time prescribed, and on April 15, 2024, the Magistrate Judge issued a Report and Recommendation ("Report") recommending that the matter be dismissed because

Plaintiff failed to file an amended complaint to correct deficiencies noted in the March 19, 2024, Order. [Doc. 24.] The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. [*Id.* at 16.] Plaintiff has filed no objections and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation” (internal quotation marks omitted)).

The Court has reviewed the record in this case, the applicable law, and the Report of the Magistrate Judge for clear error. Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference. Accordingly, this action is DISMISSED with prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/ Jacquelyn D. Austin
United States District Judge

May 16, 2024
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.